Catalina Marketing's identification of claim terms in dispute and the interpretation
thereof

Disputed Claim Terms—'348 Patent

Claim Language	Construction
1. A computer implemented method for generating a profile of a consumer	The phrase "computer implemented method" means that each step in the claimed method is performed by a computer. The phrase "generating a profile of a consumer" means that the computer implemented method of the claim creates a profile of a consumer from information in the computer. The term "profile" means a "formal summary or analysis of data, often in the form of a graph or table, representing distinctive features or characteristics." To be a profile, at least two characteristics must be included. The term "a consumer" means "one consumer."
based on multiple purchases made by the consumer	The phrase "multiple purchases made by the consumer" means that a consumer being profiled has purchased at least two items over at least two shopping trips.
that are accumulated in detailed purchase records of the consumer, the method comprising:	The phrase "accumulated in detailed purchase records of the consumer" means that the purchase records are stored in a computer in association with an identifier specific to the consumer making the purchases. The phrase "detailed purchase records of the consumer" means that the identity of each product purchased by a particular consumer is associated with an identifier specific to that consumer.

Claim Language	Construction
retrieving the detailed purchase records;	The phrase "retrieving detailed purchase records" means the previously stored purchase records, including an identifier specific to a single consumer and an identification of the products purchased by that consumer are retrieved from computer storage.
retrieving product characterization information associated with products included in the detailed purchase records	The phrase "retrieving product characterization information associated with products included in the detailed purchase records" means that the computer retrieves information, in addition to the information contained in the detailed purchase records, about each of the products purchased by the specific consumer being profiled.

Claim Language	Construction
wherein the product characterization information includes a set of heuristic rules defining a probabilistic measure of demographic characteristics of a purchaser of a product	The phrase "product characterization information includes a set of heuristic rules defining a probabilistic measure of demographic characteristics of a purchaser of a product" means that the information retrieved about each of the products purchased by a specific consumer includes "a set of heuristic rules defining a probabilistic measure of demographic characteristics of a purchaser of a product." The word "set" means a group of items, in this case heuristic rules. The phrase "heuristic rule" means an unproven initial guess regarding the final correct solution of a problem. The phrase "probabilistic measure" means a number representing a fractional probability. The phrase "demographic characteristics" means multiple characteristics that represent demographic attributes such as age, income, race, gender and household size and makeup. The phrase "a set of heuristic rules defining a probabilistic measure of demographic characteristics of a purchaser of a product" means that the set of heuristic rules associated with each of the products purchased by the specific consumer being profiled defines at least two numbers representing the fractional probability that a consumer purchasing that product has each of a least two demographic characteristics.
generating a profile of the consumer based on the detailed purchase records and the product characterization information,	The phrase "generating a profile of the consumer based on the detailed purchase records and the product characterization information" means that the profile of the consumer is a weighted combination of the probabilistic measure of each of the demographic characteristics contained in the heuristic rules for each of the products in the detailed purchase records.

Claim Language	Construction
wherein the profile of the consumer includes a demographic profile of the consumer generated from the detailed purchase records and the set of heuristic rules.	The phrase "the profile of the consumer includes a demographic profile generated from the detailed purchase records and the set of heuristic rules" means that the probabilistic measures of at least two demographic characteristics of a specific consumer are associated with a particular consumer identifier.
8. The method of claim 1, wherein said generating a profile of the consumer includes generating a product preference profile of the consumer based on the detailed purchase records.	The phrase "generating a profile of the consumer includes generating a product preference profile of the consumer based on the detailed purchase records" means that the consumer profile includes summarized information regarding at least two product criteria. A consumer profile according to claim 8 must include both at least two demographic characteristics and at least two product preference elements.
17. A computer implemented method for generating a profile of a consumer	The phrase "computer implemented method" means that each step in the claimed method is performed by a computer.

The phrase "generating a profile of a consumer" means that the computer implemented method of the claim creates a profile of a consumer from information in the computer.

The term "profile" means a "formal summary or analysis of data, often in the form of a graph or table, representing distinctive features or characteristics." To be a profile, at least two characteristics must be included.

The term "a consumer" means "one consumer." |
| based on transactions performed by the consumer at multiple locations | The term "transactions" means "purchases of a single item"

The term "at multiple locations" means at least two different locations. |

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the transactions being recorded and accumulated in detailed transaction records for the consumer, the method comprising:	The phrase "recorded and accumulated in detailed transaction records of the consumer" means that the transaction records are stored in a computer in association with an identifier specific to the consumer making the purchases. The phrase "detailed transaction records of the consumer" means that the identity of each product purchased by a particular consumer and the location at which it was purchased is associated with an identifier specific to that consumer
retrieving the detailed transaction records, wherein the detailed transaction records include an inventory of the recorded transactions of the consumer; and	The phrase "retrieving the detailed transaction records" means the previously stored transaction records, including an identifier specific to a single consumer and an identification of the products purchased by that consumer are retrieved from computer storage. The phrase "wherein the detailed transaction records include an inventory of the recorded transactions of the consumer" is nonsensical. Alternatively, the phrase "wherein the detailed transaction records include an inventory of the recorded transactions of the consumer" means that the detailed transaction records include both individual transaction details (as defined above) and also include an itemized summary of the transactions.

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generating a profile of the consumer based on the detailed transaction records and a set of heuristic rules associated with transactions within the detailed transaction records,	The phrase "generating a profile of the consumer based on the detailed transaction records and a set of heuristic rules associated with transactions within the detailed transaction records" means that the profile of the consumer is a weighted combination of the probabilistic measure of each of the demographic characteristics contained in the heuristic rules for each of the items purchased as shown in the detailed transaction records. The phrase "a set of heuristic rules associated with transactions within the detailed transaction records" means a group of heuristic rules associated with each of the transactions within the detailed transaction records.
the set of heuristic rules defining a probabilistic measure of demographic characteristics of a person performing the transactions.	The word "set" means a group of items, in this case heuristic rules. The phrase "heuristic rule" means an unproven initial guess regarding the final correct solution of a problem. The phrase "probabilistic measure" means a number representing a fractional probability. The phrase "demographic characteristics" means multiple characteristics that represent demographic attributes such as age, income, race, gender and household size and makeup. The phrase "a set of heuristic rules defining a probabilistic measure of demographic characteristics of a person performing transactions" means that the set of heuristic rules associated with each of the products purchased by the specific consumer being profiled defines at least two numbers representing the fractional probability that a consumer purchasing that product has each of a least two demographic characteristics.

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17. A computer implemented method for selecting a targeted advertisement for a consumer by comparing a profile of the consumer which is generated from multiple transactions of the consumer to a profile of each of a plurality of advertisements,	The phrase "computer implemented method" means that each step in the claimed method is performed by a computer. The phrase "selecting a targeted advertisement for a consumer" means that one advertisement from a set of at least two advertisements is selected to deliver to a consumer. The term "a consumer" means "one consumer." The phrase "selecting a targeted advertisement for a consumer by comparing a profile of the consumer which is generated from multiple transactions of the consumer to a profile of each of a plurality of advertisements" means that the computer program implementing the claimed method selects a targeted advertisement based on a comparison of a profile of a consumer with each of at least two advertisement profiles.
wherein each advertisement profile identifies discretionary characteristics of an intended target market of the advertisement, the method comprising:	The phrase "wherein each advertisement profile identifies discretionary characteristics of an intended target market of the advertisement" means that each advertisement profile contains at least two discretionary characteristics. .
receiving the advertisement profile for the advertisement;	The term "receiving" means obtaining from an external source. The phrase "the advertisement profile for the advertisement" means the electronic representation of the advertisement and at least two discretionary characteristics.
retrieving the consumer profile,	The phrase "retrieving the consumer profile" means that the computer program retrieves a previously-created and stored consumer profile. The phrase "consumer profile" means an electronic summary of information about a specific consumer containing at least two attributes of the consumer.
wherein the multiple transactions	The term "from multiple points-of-sale" means at least

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used to generate the consumer profile include purchases of the consumer from multiple points-of-sale;	two different points-of-sale"
calculating a correlation factor between the advertisement profile and the consumer profile as a scalar product of the consumer profile and the advertisement profile; and	The word "calculating" means to perform a mathematical operation. The phrase "correlation factor" means a number, obtained as a scalar product representing the correlation between the profile of a specific consumer and a particular advertisement profile. The phrase "scalar product" means to multiply the numerical representation of each of the discretionary characteristics in the consumer profile with the corresponding numerical representation of the same discretionary characteristic in a specific advertisement profile and summing the resulting products. In order to determine the scalar product of a consumer profile and an advertisement profile, they must have identical discretionary characteristics.
selecting the targeted advertisement to present to the consumer responsive to said calculating a correlation factor.	The phrase "selecting the targeted advertisement to present to the consumer responsive to said calculating a correlation factor" means using the correlation factor from each of at least two advertisements to determine which single advertisement to deliver to the consumer.
19. The method of claim 17, wherein said retrieving the consumer profile includes	Claim 19 is nonsensical because the steps included within "retrieving the consumer profile" do not result in the retrieval of a pre-existing consumer profile. The additional steps included in Claim 19 are steps resulting in the generation of a consumer profile which conflicts with the requirement of Claim 17 that the consumer profile already exists.
retrieving a detailed transaction record, wherein the detailed transaction record includes an inventory of each of the multiple transactions which occurred over a predetermined time interval; and	The phrase "retrieving a detailed transaction record, wherein the detailed transaction record includes an inventory of each of the multiple transactions which occurred over a predetermined time interval" is nonsensical because a single transaction record refers to a single purchase and cannot, by definition,

Claim Language	Construction
	include an inventory of purchases. Alternatively, the phrase means that the detailed transaction record being retrieved includes both an individual transaction detail (as defined above) and also includes an itemized summary of the transactions for a predetermined time interval.
generating the consumer profile from the detailed transaction record.	The phrase "generating the consumer profile from the detailed transaction record" means creating the consumer profile containing a summary representation of at least two attributes of a specific consumer.
20. The method of claim 19, wherein said retrieving the consumer profile further includes	Claim 20 is nonsensical because it depends from Claim 19 which is itself nonsensical. Claim 20 is also nonsensical because the steps included within "retrieving the consumer profile" do not result in the retrieval of a pre-existing consumer profile. The additional steps included in Claim 20 are steps resulting in the generation of a consumer profile which conflicts with the requirement of Claim 17 that the consumer profile already exists.
retrieving a set of heuristic rules associated with transactions within the detailed transaction records,	The phrase "a set of heuristic rules associated with transactions within the detailed transaction records" means a group of heuristic rules associated with each of the transactions within the detailed transaction records.
the set of heuristic rules defining a probabilistic measure of demographic characteristics of a person performing the transactions,	The word "set" means a group of items, in this case heuristic rules. The phrase "heuristic rule" means an unproven initial guess regarding the final correct solution of a problem. The phrase "probabilistic measure" means a number representing a fractional probability. The phrase "demographic characteristics" means multiple characteristics that represent demographic attributes such as age, income, race, gender and household size and makeup. The phrase "a set of heuristic rules defining a probabilistic measure of demographic characteristics of a person performing the transactions" means that

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	the set of heuristic rules associated with each of the products purchased by the specific consumer being profiled defines at least two numbers representing the fractional probability that a consumer purchasing that product has each of a least two demographic characteristics.
and said generating the consumer profile includes generating the consumer profile based on the detailed transaction record and the set of heuristic rules.	The phrase "generating a profile of the consumer based on the detailed transaction records and a set of heuristic rules associated with transactions within the detailed transaction records" means that the profile of the consumer is a weighted combination of the probabilistic measure of each of the demographic characteristics contained in the heuristic rules for each of the items purchased as shown in the detailed transaction records. The phrase "a set of heuristic rules associated with transactions within the detailed transaction records" means a group of heuristic rules associated with each of the transactions within the detailed transaction records.